IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 23389 of 2007(H)

PETITIONER:

C.VIJAYANANDAN,
PROPRIETOR, 'SIGN PARK', DTP & COMPUTERISED
POLYMER STAMP AND NAME BOARDS UNIT,TC NO.25/229-A,
ELANJI LANE, PULIMOODU, TVPM-1, R/AT ELUPPARATHALA
VEEDU, MEENACHAL P.O., KALIAKAVILA, KANYAKUMARI
DISTRICT, TAMIL NADU.

BY ADV. SRI.S.JAMES VINCENT

RESPONDENTS:

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1. THE CORPORATION OF THIRUVANANTHAPURAM,
PALAYAM, TRIVANDRUM-695 034, REPRESENTED BY
THE SECRETARY.

2. THE TAHSILDAR AND ACCOMMODATION
CONTROLLER, TALUK OFFICE, FORT,
THIRUVANANTHAPURAM-695 023.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY
BOARD, PUTHENCHANTHA, THIRUVANANTHAPURAM-1.

4. C.S.RADHADEVI,
TC NO.25/229, ELANJIVILAKOM, PULIMOODU LANE,
PUTHENCHANTHA, THIRUVANANTHAPURAM-1.

ADDL.5. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.
(ADDL. R5 IS IMPLEADED SUO MOTU AS ADDL R5 AS PER ORDER
DT.25.09.07)

R1 BY ADV. SRI. N.NANDAKUMARA MENON, SC.
BY ADV. SRI.A.AHZAR
R2 & R5 BY ADV.SRI.K.J.MOHAMMED ANZAR, SR.GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 23389 OF 2007

Dated this the 25th day of September, 2007

JUDGMENT

Ext.R4(a) has been produced by the 5th respondent to contend that the 5th respondent has already availed his appellate remedy before the District Collector. Sri.S.James Vincent, learned counsel for the petitioner submits that obviously the appeal has been preferred only after expiry of period of limitation. The District Collector, under Section 13(6) of the Buildings(Lease & Rent Control) Act, is not a court and therefore does not have power to condone delay. Not that I do not find any merit in the submissions made, however, considering the facts and circumstances attending on this case, I direct the additional 4th respondent to entertain Ext.R4(a) appeal as one filed on time and dispose of the same after hearing all the concerned parties at the earliest and at any rate within one month of receiving copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

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